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March 19, 2004

Dr. Jo Lynne DeMary
Superintendent of Public Instruction
Department of Education
Monroe Building
101 North 14th Street
Richmond, VA 23219

**Re: Proposed Amendments to Regulations Governing High School Adult Programs
(8 VAC 20-30-10 *et seq.*)**

Dear Dr. DeMary:

You ask whether the Virginia Board of Education possesses the requisite statutory authority to promulgate the above proposed amendments to its Regulations Governing High School Adult Programs, 8 VAC 20-30-10 *et seq.*

Article 3 of Chapter 13 of Title 22.1 of the Code of Virginia (§§ 22.1-223 through 22.1-226) addresses adult education. Section 22.1-225 requires local school boards to provide adult education programs, and § 22.1-224(1) directs the Board of Education to require the development of such programs. In addition, subsection (3) directs the Board to “[p]romulgate appropriate standards and guidelines for adult education programs. . . .” The Board has issued the above-mentioned regulations, and now seeks to amend them.

Code § 22.1-224 grants the Board of Education sufficient statutory authority to promulgate the proposed regulations (and, by implication, to amend them). I have reviewed the proposed changes, and in my judgment the amendments are within the authority delegated to the Board of Education.

The foregoing represents my views and does not constitute an official opinion of the Attorney General. If you require additional assistance from me on this matter, please do not hesitate to contact me.

Sincerely,

Deborah Love Feild
Assistant Attorney General

